

1 **PRETRIAL RESTORATIVE JUSTICE AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Derek L. Kitchen**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes a juvenile restorative justice pilot program.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ authorizes a district attorney's office in a county of the first class to establish and
- 14 operate a juvenile restorative justice pilot program;
- 15 ▶ describes the pilot program, including its goals, functions, and funding; and
- 16 ▶ requires evaluation of, and reporting regarding, the efficacy of the pilot program.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **80-6-1101**, Utah Code Annotated 1953

24 **80-6-1102**, Utah Code Annotated 1953

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **80-6-1101** is enacted to read:



28 **80-6-1101. Definitions.**

29 As used in this part:

30 (1) "Pilot program" means the juvenile restorative justice pilot program described in
31 Section 80-6-1102.

32 (2) "Restorative justice" means an approach to responding to an offense committed by
33 an individual that:

34 (a) recognizes that the offense impacts the victim, the offender, the victim's family, the
35 offender's family, and the community;

36 (b) assists the offender to understand the impact of the offense on the groups and
37 individuals described in Subsection (2)(a) by engaging in mediation, communication,
38 counseling, or other methods involving, or in relation to, those groups, individuals, or others;
39 and

40 (c) assists the offender to take responsibility for the offense, express remorse, change
41 behavior, make restitution for the offense, or otherwise resolve the offense, as appropriate.

42 Section 2. Section **80-6-1102** is enacted to read:

43 **80-6-1102. Juvenile restorative justice pilot program.**

44 (1) A district attorney's office in a county of the first class may, in cooperation with the
45 juvenile courts, the division, and other government and community resources, establish and
46 operate a juvenile restorative justice pilot program.

47 (2) The pilot program shall:

48 (a) begin on or before January 1, 2023, and end on January 1, 2028;

49 (b) be funded by appropriations from the Legislature, funds provided by the Salt Lake
50 County District Attorney's Office, and public and private grants and donations;

51 (c) to the extent practicable, expedite the restorative justice process;

52 (d) help establish ongoing relationships and community supports to assist victims and
53 to prevent reoffense; and

54 (e) measure the pilot program's efficacy by:

55 (i) tracking offender interactions with law enforcement before and after participation in
56 the pilot program; and

57 (ii) using other methods of evaluation.

58 (3) Participation in the program by an offender, victim, family member, or member of

59 the community is voluntary.

60 (4) The pilot program may:

61 (a) operate as one or more of the following:

62 (i) a pre-charge or post-charge diversion program;

63 (ii) a pre-disposition program; or

64 (iii) a post-disposition program; and

65 (b) as funding allows, provide expedited restitution to a victim that will be repaid to the
66 pilot program by the offender over time.

67 (5) A district attorney's office that establishes and operates the pilot program shall,
68 beginning in 2024, and ending in 2027, annually report to the Law Enforcement and Criminal
69 Justice Interim Committee regarding:

70 (a) the operation of the pilot program;

71 (b) methods used in the pilot program;

72 (c) suggestions for expansion of the pilot program; and

73 (d) the efficacy of the pilot program.